

REMARKS

By the above amendment claims 6-9 which stand withdrawn from consideration has been canceled without prejudice to the right to file divisional applications directed thereto, with claims 10 and 11 being canceled without prejudice or disclaimer of the subject matter thereof and claim 1 has been amended to clarify features of the present invention. Additionally, in light of the Examiner's request for amendment of the title to be more clearly indicative of the claimed invention, the title has been amended to "DISPLAY DEVICE WITH DIVIDED DISPLAY REGIONS" and applicants request acceptance of this title which is more clearly indicative of the claimed invention.

Turning to the amendment of claim 1, this claim has been amended to more clearly set forth the feature of an intervening insulation film being formed between the gate signal line and the drain signal line, and that the gate signal line is a light shielding member, as illustrated in the Figs. 3 and 4 of the drawings of this application and described at page 17, in paragraph [0053] of the specification, indicating that the structural arrangement "is adopted to prevent the leaking of external light (such as a light from the backlight) by providing shielding using the gate signal line GL. In other words, the light shielding of the cut portion of the drain signal line DL is performed by the gate signal line GL." Thus, it is apparent that the gate signal line blocks light passage therethrough and is in the form of an opaque member. Applicants submit that such features as now recited in claim 1 and the dependent claims 2, 4 and 5 are not disclosed or taught in the cited art as will become clear from the following discussion.

The rejection of claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over Negishi et al (U.S. Patent No. 5,907,314) in view of Yamazaki et al (U.S. Patent No. 6,590,562 B1) is considered to be obviated by the cancellation of claims 10 and 11, such that a discussion of the cited art in relation thereto is considered unnecessary.

As to the rejection of claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Negishi et al in view of Yasuda et al (U.S. Patent No. 4,842,371) and the rejection of claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Negishi et al in view of Yasuda et al and further in view of Yamazaki et al, such rejections are traversed insofar as they are applicable to the present claims, and reconsideration and withdrawal of the rejections are respectfully requested.

As to the requirements to support a rejection under 35 U.S.C. 103, reference is made to the decision of In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under §103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. As noted by the court, whether a particular combination might be "obvious to try" is not a legitimate test of patentability and obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. As further noted by the court, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Furthermore, such requirements have been clarified in the recent decision of In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002) wherein the court in reversing an obviousness rejection indicated that deficiencies of the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge".

The court pointed out:

The Examiner's conclusory statements that "the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software" and that "another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial" do not adequately address the issue of motivation to combine. This factual

question of motivation is immaterial to patentability, and could not be resolved on subjected belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher."... Thus, the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion. (emphasis added)

With respect to claim 1, the Examiner indicates that claim 1 differs from claim 10 only in the limitation "intervening insulation film" and thus, Negishi et al teaches the display device as recited in claim 1 as previously discussed with respect to claim 10 above, with exception of describing the limitation "insulating intervening film". Thus, the Examiner recognizes that Negishi et al does not disclose an insulating intervening film, and applicants submit that Negishi et al also fails to disclose an intervening insulation film which is formed between the gate signal line and the drain signal line. Furthermore, applicants submit that there is no disclosure or teaching in Negishi et al that the gate signal line is a light shielding member, as now recited in claim 1 and the dependent claims and described in the specification of this application. As such, applicants submit that claim 1 and therewith the dependent claims patentably distinguish over Negishi et al in the sense of 35 U.S.C. §103.

The Examiner recognizing at least the deficiency of Negishi et al with respect to the "insulating intervening film" which is now recited as a "intervening insulation film" cites Yasuda et al contending that this patent teaches at least one insulating film (420) placed between the gate signal lines and the drain signal lines (see col. 19, line 46 through col. 20, line 19). The Examiner concludes "Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used insulating film as taught by Yasuda to the display panel of Negishi so as to avoid line defect would occur between gate lines and drain signal lines (see column 20, lines 47-50 of Yashuda)". Applicants submit that the Examiner has engaged in a hindsight reconstruction attempt of the present invention, noting that

the structural arrangement of Yasuda et al differs from the claimed features of claim 1 and that of Negishi et al. Furthermore, applicants note that Yasuda et al issued in 1989 whereas the U.S. filing date of Negishi et al is 1996, some seven (7) years later. In fact, Yasuda et al is cited in Negishi et al, and applicants submit that it is apparent that Negishi et al was aware of the disclosure of Yasuda et al at the time of filing of the Negishi et al patent. However, Negishi et al clearly did not adopt the disclosure of Yasuda et al therein, and applicants submit that the rejection represents a hindsight reconstruction attempt utilizing the principal of "obvious to try" which is not the standard of 35 U.S.C. §103. See In re Fine, supra.

Furthermore, applicants submit that even assuming arguendo that the combination of Yasuda et al and Negishi et al is proper, it is readily apparent that neither patent disclose or teach the claimed structural arrangement of an intervening insulation film formed between the gate signal line and the drain signal line, wherein the gate signal line is a light shielding member, the area which divides respective drain signal lines of one display region side and respective drain signal lines of the other display region side is positioned over the gate signal line, and separated end portions of respective drain signal lines at one display region side and separated end portions of respective drain signal lines at the other display region side are all superposed on the gate signal lines, as well as the other features of claim 1 and the dependent claims. Accordingly, applicants submit that claim 1 and the dependent claims patentably distinguish over the cited art in the sense of 35 U.S.C. §103 and should be considered allowable thereover.

Applicants note that the Examiner has further utilized Yamazaki et al in the combination of Negishi et al and Yasuda et al with regard to the features of claims 4 and 5, and applicants submit that this combination also represents a hindsight reconstruction attempt utilizing the principal of "obvious to try". In any event, Yamazaki et al also fails to disclose the claimed features of claim 1 and the dependent claims with respect to an intervening insulation film formed between the

gate signal line and the drain signal line, the gate signal line being a light shielding member and the area which divides respective drain lines of one display region side and respective drain signal lines of the other display region side is positioned over the gate signal line, and separated end portions of respective drain signal lines at one display region side and separated end portions of the respective drain signal lines at the other display region side are all superimposed on the gate signal lines. Thus, applicants submit that Yamazaki et al also fails to disclose such features and this proposed combination of references fails to provide the claimed features of claim 1 and the dependent claims in the sense of 35 U.S.C. §103, such that all claims patentably distinguish thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over the cited art and should now be in condition for allowance.

Applicants note that submitted herewith is an Information Disclosure Statement and applicants request consideration of the documents submitted, noting that applicants submit that such documents also fail to disclose or teach the claimed features of claim 1 and the dependent claims.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (501.40910X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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